

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MATTHEW JOHN SHEFFER,

Plaintiff,

v.

CENTRE COUNTY, *et al.*,

Defendants.

No. 4:18-CV-02080

(Judge Brann)

(Magistrate Judge Mehalchick)

ORDER

AUGUST 12, 2021

Plaintiff filed the instant action on June 7, 2018, and after removal, it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On July 19, 2021, Chief Magistrate Judge Karoline Mehalchick, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that the matter be stayed and the motions to dismiss be denied without prejudice.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as

¹ 28 U.S.C. § 636(b)(1)(B).

² 28 U.S.C. § 636(b)(1).

a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”³ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁴

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

AND NOW, IT IS HEREBY ORDERED that:

1. Chief Magistrate Judge Mehalchick’s Report and Recommendation (Doc. 53) is **ADOPTED in full**.
2. The matter is **STAYED** pending resolution of Sheffer’s state court appeals. Sheffer shall notify the Court upon disposition of said appeals.
3. Defendants’ motions to dismiss (Doc. 45 and Doc. 46) are **DENIED** without prejudice to refiling after the stay is lifted.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.